

STEPHANIE M. HINDS (CABN 154284)
United States Attorney

TOM COLTHURST (CABN 99493)
Chief, Criminal Division

LAURA VARTAIN HORN (CABN 258485)
NICHOLAS WALSH (CABN 314290)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7200
Laura.Vartain@usdoj.gov
Nicholas.Walsh@usdoj.gov

NICHOLAS O. HUNTER (DCBN 1022355)
STEPHEN MARZEN (NYBN 2007094)
Trial Attorneys, National Security Division

950 Pennsylvania Ave., NW
Washington, DC 20530
Tel: (202) 353-3434
Fax: (202) 233-2146
Nicholas.Hunter@usdoj.gov
Stephen.Marzen@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FUJIAN JINHUA INTEGRATED CIRCUIT
CO., LTD,

Defendant.

CASE NO. 18-CR-00465 MMC

STIPULATIONS RE:
CHAIN OF CUSTODY FOR CERTAIN ITEMS

The Honorable Maxine M. Chesney
Courtroom 7, 19th Floor

FACTUAL STIPULATIONS

The parties hereby stipulate, for purposes of the trial of this action, that the following facts are conclusively established and are not in dispute:

Chain of Custody Regarding An External Storage Drive

- 1) On or about March 16, 2020, United States Federal Bureau of Investigation (“FBI”) Special Agent Cynthia Ho personally obtained from a representative at the Taiwan Ministry of Justice in Taipei City, Taiwan:
 - a) One Western Digital My Passport 1TB external storage drive, serial number WX21A5980PU8, marked with Chinese character, dated 8/3/19, Property #: 6314020205-00132.
- 2) The item described in paragraph 1(a) has remained in continuous United States FBI custody since March 16, 2020.

Chain of Custody Regarding A Portable External Hard Drive

- 3) On or about March 12, 2021, a United States FBI Special Agent personally obtained from a representative at the Taiwan Ministry of Justice, in Taipei City, Taiwan:
 - a) One portable external hard drive (ID: SUH2004T109023; storage 4TB; brand ADATA), enclosed in a brown envelope marked with red lettering Chinese and in English.
- 4) The item described in paragraph 3(a) was brought to the United States and was in continuous United States FBI custody until United States FBI Special Agent Cynthia Ho personally delivered the items to Matthew Moore, Associate Director at Berkeley Research Group, LLC, in Palo Alto, California, on March 15, 2021.
- 5) The item described in paragraph 3(a) was in continuous custody of Berkeley Research Group, LLC, between March 15, 2021, and April 30, 2021.
- 6) Matthew Moore, Associate Director at Berkeley Research Group, LLC, personally returned the item described in paragraph 3(a) directly to United States FBI Special Agent

Cynthia Ho in Palo Alto, California, on April 30, 2021.

- 7) The item described in paragraph 3(a) has remained in continuous United States FBI custody since April 30, 2021.

Chain of Custody Regarding Two Solid State Drives (“SSDs”)

- 8) On or about April 12, 2021, a United States FBI Special Agent personally obtained from a representative at FRONTEO Taiwan, Inc., in Taipei City, Taiwan:
- a) One sealed envelope with label containing Chinese characters and “FRONTEO Taiwan, Inc. FTW-000157 4/8/2021 TUH193.” Inside the envelope wrapped in the plastic was: (a) one portable Intel SSD 535 Series, 240GB, ISN: CVTR539306K0240CGN; (b) a yellow note with handwritten Chinese characters and in English “Neil Lee” and (c) a white FRONTEO Taiwan, Inc. label marked “Case No. T1806052; Location: UMC Hsinchu; Date:(M/D/Y) 3/20/2020; Evidence No./Memo: TUH193;” and
- b) One sealed envelope with label containing Chinese characters and “FRONTEO Taiwan, Inc. FTW-000158 4/8/2021 TUH194.” Inside the envelope wrapped in the plastic was: (a) one portable Intel SSD 535 Series, 240GB, ISN: CVTR542105VZ240CGN; (b) a yellow note with handwritten Chinese characters and in English “JT Ho” and (c) a white FRONTEO Taiwan, Inc. label marked “Case No. T1806052; Location: UMC Hsinchu; Date:(M/D/Y) 3/20/2020; Evidence No./Memo TUH194.”
- 9) The items described in paragraphs 8(a) and 8(b) were brought to the United States and were in continuous United States FBI custody until United States FBI Special Agent Cynthia Ho personally delivered the items to Matthew Moore, Associate Director at Berkeley Research Group, LLC, in Palo Alto, California, on April 30, 2021.
- 10) The items described in paragraphs 8(a) and 8(b) were in continuous custody of Berkeley Research Group, LLC, between April 30, 2021, and August 30, 2021.
- 11) Matthew Moore, Associate Director at Berkeley Research Group, LLC, personally

1 returned the items described in paragraphs 8(a) and 8(b) directly to United States FBI
2 Special Agent Cynthia Ho in Palo Alto, California, on August 30, 2021.

3 12) The items described in paragraphs 8(a) and 8(b) have remained in continuous United
4 States FBI custody since August 30, 2021.

5
6 The undersigned parties agree and stipulate to the foregoing facts.

7
8 Dated: March 9, 2022

Respectfully Submitted,

9 STEPHANIE M. HINDS
10 United States Attorney

11 _____
/s/

12 LAURA VARTAIN HORN
13 NICHOLAS WALSH
Assistant United States Attorneys

14 NICHOLAS O. HUNTER
15 STEPHEN MARZEN
16 Trial Attorneys, National Security Division

17
18 Dated: March 9, 2022

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

19 _____
/s/

20 JACK P. DICANIO
21 MATTHEW E. SLOAN
22 EMILY REITMEIER
Attorneys for Defendant
23 Fujian Jinhua Integrated Circuit Co., Ltd.
24
25
26
27
28